

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]
House of Representatives, 27 September 1954

Words added by Committee are shown in black.

Hon. Mr Corbett

MAORI PURPOSES

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A BILL INTITULED

AN ACT to amend the law relating to Maoris and Maori land, to confer jurisdiction upon the Maori Land Court, and for other purposes. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Maori Purposes Act 1954. Short Title.

Provisions of
Maori Affairs
Act 1953 to
apply to this
Act.
1953, No. 94

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Affairs Act 1953 (hereinafter referred to as the principal Act), and the provisions of the principal Act, as far as applicable, shall extend and apply to the cases provided for in this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act.

PART I

AMENDMENT OF LAWS

Amending
provisions as to
Maori housing
accounts.
1935, No. 34

3. (1) The Maori Housing Act 1935 is hereby amended by repealing section fifteen, and substituting the following section:

“15. (1) The Board shall, within sixty days after the close of each financial year ending on the thirty-first day of March, cause to be prepared in respect of its operations under this Act—

“(a) A balance sheet showing its total assets and liabilities as at the end of that financial year; and

“(b) A revenue account for that year.

“(2) On the completion of the preparation of a balance sheet and revenue account as aforesaid, the Board shall send the balance sheet and revenue account to the Controller and Auditor-General, who shall, within sixty days, transmit them, together with such report thereon as he thinks fit, to the Minister of Maori Affairs.

“(3) The balance sheet and revenue account prepared under subsection one of this section shall be laid before Parliament within twenty-eight days after the date of the receipt thereof by the Minister of Maori Affairs if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.”

1938, No. 17

(2) Section eighteen of the Maori Housing Amendment Act 1938 is hereby amended by repealing subsection seven, and substituting the following subsections:

“(7) The Maori Trustee shall, within sixty days after the close of each financial year ending on the thirty-first day of March, prepare in respect of the Fund—

“(a) A balance sheet showing the total assets and liabilities as at the end of that financial year; and

“(b) A revenue account for that year.

“(7A) On the completion of the preparation of a balance sheet and revenue account as aforesaid the Maori Trustee shall send the balance sheet and revenue account to the Controller and Auditor-General, who shall, within sixty days, transmit them, together with such report thereon as he thinks fit, to the Minister of Maori Affairs.

“(7B) The balance sheet and revenue account prepared under subsection seven of this section shall be laid before Parliament within twenty-eight days after the date of the receipt thereof by the Minister of Maori Affairs if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.”

(3) Section thirty-two of the Maori Housing Amendment Act 1938 is hereby repealed. 1938, No. 17

PART II

MISCELLANEOUS POWERS

Waiariki District

4. Whereas by Warrant under the hand of the Governor-General dated the thirteenth day of August, nineteen hundred and forty-seven, a Commission of Inquiry was appointed to inquire into and report upon certain Maori claims touching the Pukeroa Oruawhata Block: And whereas the members of the Commission, in the report of the Commission which is reproduced in paper G-7 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and forty-eight, came to the conclusion that the former Maori owners of the said Pukeroa Oruawhata Block had suffered loss and damage by reason of the acts or omissions of the officers or servants of the Crown in the management, administration, and control of the said Pukeroa Oruawhata Block, and that the purchase of the said Pukeroa Oruawhata Block was concluded by the Crown on terms which were, in the circumstances, otherwise than fair and reasonable: And whereas the members of the Commission in the report of the Commission aforesaid, recommended that the sum of sixteen thousand five

Settlement of
Pukeroa
Oruawhata
(Rotorua
Township)
Claim.

hundred pounds ought to be paid to the former owners of the said Pukeroa Oruawhata Block or their descendants or representatives as compensation: And whereas the former owners of the Pukeroa Oruawhata Block and their descendants and representatives at a general meeting on the thirty-first day of October, nineteen hundred and fifty-three, resolved by a majority of votes to accept payment of the said sum in full settlement and discharge of their claims, and by resolution made certain decisions as to the disposition of the said sum: And whereas, in accordance with the resolutions aforesaid, and with the recommendations of the Commission, payment of the sum of sixteen thousand five hundred pounds has been made to the Maori Trustee in settlement of the claim to pay that sum to the persons entitled thereto or in accordance with their directions: And whereas it is desirable to ratify and confirm the aforesaid settlement: Be it therefore enacted as follows:

(1) The payment of the sum of sixteen thousand five hundred pounds made to the Maori Trustee for disposition in accordance with subsection two of this section is hereby declared to have been made in settlement of all claims and demands which have heretofore been made or which may hereafter be made upon Her Majesty's Government in New Zealand in respect of or arising out of the management, administration, and control by the Crown of the Pukeroa Oruawhata Block, or in respect of or arising out of the purchase by the Crown of the said Pukeroa Oruawhata Block.

(2) The sum of sixteen thousand five hundred pounds paid to the Maori Trustee as aforesaid is hereby declared to have been held by the Maori Trustee upon trust, after deduction therefrom of his prescribed commission—

Firstly, to pay therefrom the sum of two thousand two hundred and five pounds for legal expenses incurred by or on behalf of the Maori claimants in relation to the claims to which this section relates:

Secondly, to distribute the remainder to the beneficial owners of Section 5, Block 51, Town of Rotorua, and the other lands in the town and suburbs of Rotorua described in subsection five of section thirty-three of the Maori Land Amendment and Maori Land Claims Adjustment Act 1929, in accordance with their relative interests.

Aotea District

5. (1) Upon application made to it by or on behalf of the Ratana Trust Board constituted under section fourteen of the Maori Purposes Act 1941, or upon the application of the Registrar, the Court may make, in respect of the land described in subsection twenty-nine of the said section fourteen, or in respect of any other land vested in the said Board immediately prior to the commencement of this Act, orders to the following effect—

Ratana
Settlement
administration.
1941, No. 22

- (a) Vesting in a trustee or trustees, upon such trusts as may be declared by the Court, those portions of the said land which, at the commencement of this Act, are used for communal purposes, whether or not church or other buildings are situated thereon:
- (b) Vesting in trustees, not exceeding five in number, such portions of the said land as are suitable for residential purposes upon trust to subdivide and otherwise prepare the land for those purposes, and to dispose of the land in suitable lots or areas for house and business sites:
- (c) Vesting any residue of the said land in such persons as the Court finds to be beneficially entitled thereto.

(2) The Court may appoint the Maori Trustee to be a trustee for the purposes of any order made under paragraph (b) of subsection one of this section but shall otherwise, in appointing trustees for the purposes of any such order, have regard to any representation made to it in that behalf by or on behalf of the beneficial owners of the land affected by the order.

(3) Subject to the provisions of this section, every order made under paragraph (a) or paragraph (b) of subsection one of this section shall take effect as if it had been made under section four hundred and thirty-eight of the principal Act, and the provisions of that section

shall, as far as they are applicable, and with the necessary modifications, extend and apply to any such order accordingly. Nothing in subsection one of this section shall be so construed as to limit the authority of the Court, in making any order under this section, to declare any additional and incidental trusts upon which any trustee or trustees appointed under this section shall hold the trust property or to confer on any such trustee or trustees such powers as the Court deems necessary for the proper administration of that property.

(4) The trustees appointed under any order made under paragraph (b) of subsection one of this section shall, in addition to any powers conferred on them by the Court, or by section four hundred and thirty-eight of the principal Act, have power—

- (a) To sell the land by private contract on such terms and conditions as the trustees may think fit; or
- (b) To grant, in respect of the land, leases renewable in perpetuity on such terms and conditions as the trustees may think fit.

(5) For the purposes of exercising any powers under paragraph (b) of subsection three of this section, the trustees may exercise all the powers conferred on leasing authorities by the Public Bodies' Leases Act 1908.

(6) No alienation of any land for the time being vested in the trustees appointed under paragraph (b) of subsection one of this section shall require to be confirmed by the Court.

(7) In any case where the Maori Trustee is, pursuant to the provisions of subsection one of this section, appointed as a trustee, the provisions of section thirty-eight of the Maori Trustee Act 1953 shall extend to enable the Maori Trustee to advance money out of the General Purposes Fund for the purposes of the trust, and the provisions of that section and of section forty-nine of the said Act shall apply to any money so advanced.

(8) Section fourteen of the Maori Purposes Act 1941, section forty-eight B of the Maori Social and Economic Advancement Act 1945, as inserted by section five of the Maori Social and Economic Advancement Amendment Act 1951 and the said section five of the Maori Social and Economic Advancement Amendment Act 1951, are hereby repealed.

See Reprint
of Statutes,
Vol. IV,
p. 1031

1953, No. 95

1941, No. 22
1945, No. 43
1951, No. 52

(9) The land described in subsection twenty-nine of section fourteen of the Maori Purposes Act 1941 is hereby declared to be no longer a tribal district for the purposes of the Maori Social and Economic Advancement Act 1945 and the Tribal Executive of the tribal district abolished by this subsection is hereby dissolved.

1941, No. 22

1945, No. 43

(10) Notwithstanding the repeal by this section of section fourteen of the Maori Purposes Act 1941, the Ratana Trust Board shall remain in existence so long as any land which, immediately prior to the commencement of this Act, was vested in the Board has not been vested in any other person pursuant to subsection one of this section. Until any land is vested pursuant to subsection one of this section it shall remain vested in the Ratana Trust Board, and the Board may exercise with respect to the land which remains so vested in it the same powers and functions that it could have exercised if this Act had not been passed.

(11) When, by reason of orders made by the Court under subsection one of this section, no land remains vested in the said Board, the Court shall make an order dissolving the Board and shall also make such other orders as it thinks necessary for the disposition of any other property remaining vested in the Board immediately before its dissolution.

(12) Notwithstanding the repeal by this Act of section fourteen of the Maori Purposes Act 1941, any lands which, by virtue of the provisions of subsection twenty-three of that section were, immediately prior to the commencement of this Act, exempt from liability for the payment of any rates levied under the Rating Act 1925, shall continue to be so exempt until the lands are declared by the Governor-General in Council to be no longer exempt. Any declaration under this subsection may relate to part only of the lands exempted from liability as aforesaid.

See Reprint of Statutes, Vol. VII, p. 977

6. Section thirty-six of the Maori Purposes Act 1951 is hereby amended by inserting, after subsection five, the following subsections:

Further provisions in respect of proceedings relating to ownership of bed of Wanganui River.

“(5A) For the purposes of this section, the Court of Appeal may, from time to time, make such order as may seem to it to be desirable for the taking by the Maori Appellate Court of such further evidence as the Court of Appeal shall think fit in respect of any question of fact or of Maori custom or usage relating to the rights of Maoris in respect of the bed of the Wanganui River.

1951, No. 75

“(5B) Upon the making by the Court of Appeal of any order under subsection five A of this section, the Maori Appellate Court shall proceed forthwith to take evidence in respect of the matters specified in the order and shall transmit a certified record of any such evidence to the Court of Appeal.

“(5C) For the purposes of this section the Maori Appellate Court may receive as evidence any testimony, sworn or unsworn, and any statement, document, information, or matter which, in the opinion of that Court, is relevant to any question of fact or of Maori custom or usage in respect of which that Court is required as aforesaid to take evidence, whether or not any such testimony or evidence would otherwise be admissible in a Court of law.

“(5D) For the purposes of and in order to assist in any determination under this section, the Court of Appeal may receive so much of the evidence taken by the Maori Appellate Court under this section as it thinks fit.

“(5E) The Court of Appeal, either contemporaneously with the making of any order under subsection five A of this section, or at any other time or times, may cause a case to be stated in respect of any question of fact or of Maori custom or usage relating to the rights of Maoris in respect of the bed of the Wanganui River, whether or not any such question arises out of any evidence taken by the Maori Appellate Court under this section, and may refer any such case stated to the Maori Appellate Court.

“(5F) The Maori Appellate Court shall proceed forthwith to consider any case stated referred to it as aforesaid, and in so doing may take such further evidence (if any) as in its opinion is relevant to the case stated, and shall transmit a certificate of its opinion thereon, to the Court of Appeal. The provisions of subsection five C of this section shall apply to any evidence taken by the Maori Appellate Court under this subsection.

“(5G) The Court of Appeal may refer back to the Maori Appellate Court for further consideration any case stated under this section.

“(5H) The opinion of the Maori Appellate Court on any case stated by the Court of Appeal under this section shall not be binding on the Court of Appeal.”

South Island District

7. Whereas, by deed dated the twenty-ninth day of June, eighteen hundred and sixty-four, the Maori owners of Stewart Island or Rakiura, ceded the land comprised therein to the Crown for a consideration of six thousand pounds: And whereas it was provided in the deed of cession that part of the said consideration amounting to two thousand pounds should be retained by the Crown and interest thereon paid to certain of the former Maori owners and their heirs: And whereas the persons at present entitled to receive the interest on the said sum of two thousand pounds as aforesaid have agreed to accept payment of a capital sum in full settlement and release of all their interests in the said two thousand pounds and in the interest payable thereon: And whereas it is expedient to make provision accordingly: Be it therefore enacted as follows:

Stewart Island
purchase money
settlement.

In full settlement and release of all claims, rights, and interests in or relating to the sum of two thousand pounds held by the Crown as part of the consideration for the cession of Stewart Island or Rakiura, there shall be paid to the Maori Trustee, from money appropriated by Parliament for the purpose, the sum of three thousand two hundred pounds, to be paid by him to the persons entitled to payment of interest on the said sum of two thousand pounds in the same shares and proportions as those in which they are entitled to receive that interest.